



Diane Smith
US EPA
Smith.diane@epa.gov

NM 0028355

Re: Public Comments about Draft Permit for Los Alamos National Laboratory Allowing Industrial Discharges to Waters of the United States
NMED Clean Water Act Section 401 Certification to EPA

Dear Mr. Yurdin:

The New Mexico Acequia Association is a statewide, membership based organization of acequias. Acequias are centuries old, community-based systems for water management and agricultural production. Acequia water is the lifeblood that feeds the farms and ranches of thousands of mostly Indo-Hispanic families. As we say, "*El agua es la vida*," meaning "Water is life." Water that is discharged from the Los Alamos National Laboratory flows into the acequias south of that location affecting hundreds of irrigation channels. PCBs are known carcinogens. Permitting them into our water runs the risk of increasing the chance for developing cancer through the water we drink and the food we eat. Many acequia fed farms are organic and some organically certified. The presence of pollution adversely affects the quality and health benefits of the food grown on acequia farms. Acequias create ribbons of green in the desert, sometimes wetlands, and riparian areas that are the homes of resident farmers and many species of animals. Pollution in these environments proves detrimental to those that live there including animals and other aquatic wildlife. Permitting lowered standards of effluent from LANL would be a health risk, economically negative, and damage the environments of hundreds of farms and ranches. It does not honor the water, land and life of our acequias.

Please accept these public comments about the proposed National Pollutant Discharge Elimination System (NPDES) draft permit for Los Alamos National Laboratory (LANL). As required by Section 401 of the Clean Water Act, the New Mexico Environment (NMED) Department, Surface Water Quality Bureau, is required to certify to the Environmental Protection Agency (EPA) that the permit will reasonably ensure that the permitted activities will be conducted in a manner that will comply with the applicable New Mexico water quality standards. I understand that the final permit will not be issued until the Section 401 certification requirements have been met.

The NPDES permit allows for more than 1 million gallons of effluent to be discharged from industrial facilities, such as cooling towers, sanitary facilities, the Radioactive Liquid Waste Treatment Facility, and the High Explosive Waste Water Treatment Plant, into the canyons that

flow to the Rio Grande River every day. In order to ensure that the permitted activities will be conducted in a manner that will comply with the applicable New Mexico water quality standards, the NMED must require in its certification to EPA that:

- 1. The analytical method 1668 for polychlorinated biphenyl's (PCBs) is used.** The draft permit backslides because it allows for a less protective analysis of PCBs than found in the current permit. In 2007, thanks to NMED's certification of the current permit, the use of Method 1668 for PCBs is required to be used. The draft permit, however, allows for a less sensitive analytical method to be used, which would allow discharges of PCBs at levels that are more than 300 times greater than the water quality standard that is protective of human health. Using a less sensitive method would allow LANL to report a PCB sample as "no detect." This is unacceptable. Our lives are in immediate danger.

Further, on December 20, 2012, NMED wrote to EPA stating that the "employment of Method 1668 is necessary and appropriate as a condition in this permit so as to assure the permit is protective of the State's Water Quality Standards." In order to ensure that New Mexico Water Quality standards are met, NMED must certify to EPA that PCB analytical method 1668 be used. This is a practice that is doable and must not be compromised.

- 2. All samples must be analyzed for all water quality parameters and contaminants.** The draft permit allows for on-going impairment of most of the streams within the LANL property, which means that the streams are not meeting water quality standards. In order to protect water quality NMED must require that EPA establish effluent limits for all impaired parameters at each outfall as part of the certification.

For example, the industrial outfalls 03A022 and 03A181 both discharge into Mortandad Canyon, which is impaired for Aluminum, Copper and Gross Alpha Radiation. Yet the draft permit does not contain any effluent limits for any of these parameters for the outfalls. NMED must require in the certification to EPA that the final permit include effluent limits for all of the water quality parameters and contaminants. We who live below this For-Profit corporation are suffering from the intersectional, multiple assaults of these toxic contaminants. Effluent limits are necessary for assured quality of life for our sources of drinking water.

- 3. The final permit protects intermittent streams.** LANL is the only facility in New Mexico that is not required to meet chronic aquatic life standards for its intermittent streams located in the canyon bottoms. NMED must require in the certification that EPA include effluent limits that are protective of the chronic aquatic life standard for all outfalls that discharge into intermittent streams. As the saying goes, "When the last fish is gone, then we will know we cannot eat money." Protection and prevention are possible with good consciousness.

Sincerely,



Paula Garcia
Executive Director

Smith, Diane

From: Jason Jaramillo [jason@lasacequias.org]
Sent: Monday, August 12, 2013 5:58 PM
To: Smith, Diane
Subject: LANL Discharge Permit letter from NMAA
Attachments: LANL Discharge Permit_NMAA_letter_8.12.2013.doc

Please see attachment.

--
Jason Jaramillo
Acequia Education and Governance Associate/Farmer-Rancher Outreach
New Mexico Acequia Association
805 Early St., Ste. 203B
Santa Fe, New Mexico 87505
O: (505) 995-9644
C: (505) 501-2608
www.lasacequias.org

Please support a full and fair Farm Bill.

Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender and destroy all copies of this message.